IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.967 OF 2003

Janhit Manch & ors .. Petitioners

versus

State of Maharashtra & ors .. Respondents

Mr.Bhagwanji Raiyani, President of Petitioner present

Mr.K.R.Belosay, Assistant Government Pleader for the Respondents

CORAM : R.M. LODHA AND D.G.KARNIK, JJ

DATED : 14th December, 2005

P.C.

We perused the Writ Petition and heard Mr.Bhagwanji Raiyani, Petitioner no.2 in person.

2. The petitioners in this PIL have highlighted nexus amongst criminals, doctors and the politicians and prayed for the following reliefs:-

> (a) Mr.V.K.Jadhav, the 3rd respondent be ordered to pay Under Section 12 of the Right to Information Ordinance, 2002, a fine of Rs.250/- plus rupees 50/- per day for the period during 15 days from the date of application of the information by the petitioners till the date of the receipt of the order of the dismisal of the appeal, for wrongful and distorted interpretation of the provisions for furnishing theinformation

against the said Ordinance.

(b) The State be ordered to disclose the names with profiles of the doctors assisting Mr.Nandlal, the 4th respondent who is appointed to conduct fresh inquiry in the nexus amongst the criminals and doctors.

(c) the said Nandlal Committee also be ordered to consider the political pressure, involvement or interference leading to such unholy nexus.

(d) The Committee be ordered to file its report within 30 days directly before this Hon.Court without first placing the same for the reconsideration of the respondents.

(e) action be taken against the accused persons involved in the subject matter.

3. By our order dated 30th November, 2005, we directed the respondents to place before us the inquiry reports submitted by Mr.Rameshkumar and Mr.Nandlal in a sealed cover. In compliance thereof, the respondents have placed the two inquiry reports before us.

4. The report of Mr.Ramesh Kumar shows that he recommended that departmental inquiries need to be ordered de novo against the delinquent doctors and same be entrusted it to the Secretary and Special Inquiry Officer since prima facie nexus was evident. In his view, the entrustment of the departmental inquiries to the Special Inquiry

Officer would take care of any objection about fairness of the inquiry. The State Government accepted the recommendations of Mr.Rameshkumar and accordingly initiated de novo departmental inquiries against 8 doctors namely (1) Dr.Chetan Oberoi (2) Dr.Y.A.Matchiswala (3) Dr.(Smt) Vimal Kasbekar (4) Dr.D.G.Dongaonkar (5) Dr.R.M.Haridas (6) Dr.A.N.Johri (7) Dr.M.V.Jagade and (8) Dr.D.K.Deshmukh. The inquiry against the aforesaid 8 doctors as recommended by Mr.Rameshkumar was entrusted to the Secretary and Special Inquiry Officer. Mr.Nandlal happened to be the Secretary and Special Inquiry Officer in General Administration Department and consequently inquiry against the aforesaid doctors was entrusted to him.

5. The report submitted by Mr.Nandlal is dated 25th October, 2002 and in vernacular. One of us (D.G.Karnik, J) being well versed with Marathi, read and translated the said report from which it is apparent that 7 doctors namely (1) Dr.N.G.Rathod (2) Dr.R.M.Haridas (3) Dr.M.V.Jagade (4) Dr.Y.A.Machiswalla (5) Dr.Chetan Oberoi (6) Dr.A.W.Johri (7) Dr.(Smt) Vimal Kasbekar were found not guilty of any misconduct. The charges against them were not held proved and all the 7 doctors were exonerated in the departmental

inquiries.

6. As regards Dr.D.G.Dongaonkar, the inquiry report was submitted on 12th May, 2003 by Mr.Nandlal and therein he held that no charges were proved against him. Dr.D.G.Dongaonkar was also exonerated in the inquiry report. In view of the categorical findings recorded by Mr.Nandlal in respect of all the 8 doctors that no charges have been proved against them, we are satisfied that no further action needs to be taken against the said 8 doctors.

7. We are also satisfied that it is not necessary to supply copies of the reports submitted by Mr.Ramesh Kumar and Mr.Nandlal to the petitioners.

8. No further order needs to be passed in this Writ Petition which is disposed of accordingly. No costs.

(R.M. LODHA, J)

(D.G. KARNIK, J)